

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

|                                      |   |                                      |
|--------------------------------------|---|--------------------------------------|
| <b>RAPHAEL CHRISTOPHER,</b>          | : | <b>CIVIL ACTION NO. 1:04-CV-0977</b> |
|                                      | : |                                      |
| <b>Plaintiff</b>                     | : | <b>(Judge Conner)</b>                |
|                                      | : |                                      |
| <b>v.</b>                            | : |                                      |
|                                      | : |                                      |
| <b>FREDERICK NESTLERODE, et al.,</b> | : |                                      |
|                                      | : |                                      |
| <b>Defendants</b>                    | : |                                      |

**AMENDING ORDER**

AND NOW, this 16th day of August, 2005, upon consideration of the memorandum and order (Doc. 121) entered in the above-captioned case on June 22, 2005, and in light of its publication, it is hereby ORDERED that the memorandum and order (Doc. 121) is AMENDED as follows:

1. In the final sentence of the first continuing paragraph of page 17, the phrase "was in violation of" is deleted and is replaced with the phrase "had violated, or was violating," so that the sentence reads: The sole issue is whether, based on the facts and circumstances then known to the official, an objective observer could plausibly conclude that the person had violated, or was violating, state law.
2. In the first sentence of footnote 24, the phrase "should not be understood as" is deleted and is replaced with the phrase "should be understood not as," so that the sentence reads: While court decisions often use the terms "stop" and "arrest" when discussing Fourth Amendment principles, these should be understood not as different types of seizures, but as shorthand references for the permissible purpose of the seizure and the "quantum of individualized suspicion" necessary to justify it.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge